

# **EXHIBIT**

# **35**

**DREIFUSS BONACCI & PARKER, LLP**  
ATTORNEYS AT LAW

David C. Dreifuss (NJ)  
JoAnne M. Bonacci (NJ & PA)  
Ronald I. Parker (NJ & NY)  
Bruce Dickstein (NJ & NY)

26 Columbia Turnpike  
North Entrance  
Florham Park, New Jersey 07932

One Penn Plaza  
36<sup>th</sup> Floor  
New York, New York 10119  
(212) 835-1514

Derek A. Popeil (NJ & NY)  
Paul H. Mandal (NJ & NY)  
George Christopoulos (NJ & NY)  
Monika S. Pundalik (NJ)  
Eli J. Rogers (NJ & NY)  
Jonathan D. Morales (NJ & NY)  
Adam M. Fontana (NJ & NY)

(973) 514-1414  
Telefax (973) 514-5959

1500 Market Street  
12<sup>th</sup> Floor  
East Tower  
Philadelphia, Pennsylvania 19102

Writer's E-mail Address:  
erogers@dbplawfirm.com

*Please reply to New Jersey Office*

October 1, 2007

**VIA FEDERAL EXPRESS**

All Counsel on Attached Service List

Re: Travelers Casualty and Surety Company v. Dormitory Authority of the State of New York, *et al.*  
United States District Court, Southern District of New York – Civil Action No. 07-CV-6915

Dear Counsel:

Our firm represents the Plaintiff, Travelers Casualty and Surety Company ("Travelers"), and Third-Party Defendant, Trataros Construction, Inc. ("Trataros") in connection with the above-referenced litigation, arising from a construction project known as Baruch College, Site B, located in the County and State of New York (the "Baruch Project"). Today we received copies of the enclosed Third-Party Complaint, Rule 7.1 Disclosure Statement, and Answer with Affirmative Defenses, Counterclaims, and Cross-Claims, filed by the Dormitory Authority of the State of New York ("DASNY") and TDX Construction Corp. ("TDX").

Please note that DASNY alleges two counts for money damages against Trataros, seeking an alleged **\$20,000,000 (Twenty million dollars)** in damages associated with alleged construction defects, as well as an alleged \$8,000,000 in "delay, disruption and impact" damages. (See, Third-Party Complaint, ¶¶ 52-62.) With respect to the defective construction claim, several paragraphs of the Third-Party Complaint's general allegations set forth the apparent underlying substance of DASNY's claim, discussing purported deterioration, cracking, crumbling, delamination, "blistering" and/or "otherwise defective" work with respect to interior epoxy terrazzo flooring at the Baruch Project. The Third-Party Complaint alleges that the purportedly defective epoxy terrazzo flooring was installed by Trataros and/or G.M. Crocetti, Inc.

Upon information and belief, the claims at issue in this litigation may potentially involve one or more of the following insureds/additional insureds under policies issued by your respective clients:

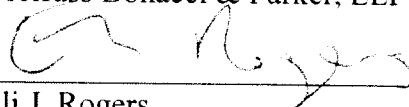
Trataros Construction, Inc.  
G.M. Crocetti, Inc.  
Bartec Industries  
Dormitory Authority – State of New York  
City University of New York  
Baruch College  
TDX Construction Corp.  
Kohn Pedersen Fox Associates, P.C.

Please be guided accordingly.

Thank you for your attention to this matter.

Very truly yours,  
Dreifuss Bonacci & Parker, LLP

By:

  
Eli J. Rogers

EJR/jfb

Enclosure

cc: JoAnne Bonacci, Esq.

**Travelers Cas. and Sur. Co. v. Dormitory Auth. – State of N.Y., et al.**  
United States District Court, Southern District of New York  
Civil Action No. 07-CV-6915

**COUNSEL LIST**

Steven Alan Coploff, Esq.  
Steinberg & Cavaliere, LLP  
50 Main Street  
White Plains, NY 10606  
-and-

David A. Larson, Esq.  
Bollinger Ruberry & Garvey  
500 West Madison Street, 23<sup>rd</sup> Floor  
Chicago, Illinois 60661  
Tel. No.: 312-466-8000  
Fax No.: 312-466-8001  
*Attorneys for Kemper*

Donald G. Sweetman, Esq.  
Gennet, Kallmann, Antin & Robinson, P.C.  
6 Campus Drive  
Parsippany, New Jersey 07054  
Tel. No.: 973-285-1919  
Fax No.: 973-285-1177  
*Attorneys for American Alliance Insurance Company,  
Great American Insurance Company,  
American National Fire Insurance Company, and  
Great American Insurance Company of New York*

Martin P. Lavelle, Esq.  
Law Offices of Martin P. Lavelle  
110 William Street, 18<sup>th</sup> Floor  
New York, New York 10038  
Tel. No.: 212-266-5880  
Fax No.: 212-528-0134  
*Attorneys for National Union Fire Insurance  
Company of Pittsburgh, Pa.*

Margaret F. Catalano, Esq.  
John P. DeFilippis, Esq.  
Ann Odelson, Esq.  
Carroll, McNulty & Kull  
570 Lexington Avenue, 10<sup>th</sup> Floor  
New York, New York 10022

Tel. No.: 212-252-0004

Fax No.: 212-252-0444

*Attorneys for United States Fire Insurance Company*

Diana E. Goldberg, Esq.

Mound Cotton Wollan & Greengrass

One Battery Park Plaza, 9<sup>th</sup> Floor

New York, New York 10004

Tel. No.: 212-804-4221

Fax No.: 212-344-8066

*Attorneys for Commercial Underwriters and Allied World Assurance Company*

S. Dwight Stephens, Esq.

Melito & Adolfsen, P.C.

233 Broadway

New York, NY 10279

Tel. No.: 212-238-8900

Fax No.: 212-238-8999

*Attorneys for Zurich*

Henry G. Morgan, Esq.

Morgan, Melhuish, Monaghan, Arvidson, Abrutyn & Lisowski

651 West Mount Pleasant Avenue

Livingston, New Jersey 07039

Tel. No.: 973-994-2500

Fax No.: 973-994-3375

*Attorneys for Ohio Casualty*

Marisa Slaten, Esq.

Riker, Danzig, Scherer, Hyland & Perretti LLP

Headquarters Plaza

One Speedwell Avenue

Morristown, NJ 07962

Tel: 973.451.3862

Fax: 973.451.3714

*Attorneys for Harleysville*